

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 5/04/2009 Monday Dept: 1A

(Posted 4/30/09)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CV32866 [S] HALL v SOARES
Type: BREACH OF CONTRACT Date Filed: 07/26/06
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PLF/XD: HALL, ROBERT D ATTY: WHITE, BLAIR M. ESQ
TRSTEE: MELVA GARCIA TRUST
DEF/XC: SOARES, ARTHUR ATTY: FORES MACKO
Service Date/Type: 08/07/06 PER Answer Date: 09/06/06
DEF/XC: SOARES, DIANNE ATTY: FORES MACKO
Service Date/Type: 08/15/06 S/M Answer Date: 09/06/06
X-DEFT MOUNTAIN RANCH REALTY INC. ATTY: STUDLEY, DAVID W. ESQ
Service Date/Type: 00/00/00 Answer Date: 04/06/07
X-DEFT DODGE, JIM ATTY: STUDLEY, DAVID W. ESQ
Service Date/Type: 10/16/06 SUB Answer Date: 11/30/06
DBA: MOUNTAIN RANCH REALTY

Tentative Ruling: The matter was set for the court's motion to dismiss pursuant to CRC 3.1385. It appears plaintiff may have to file a motion for entry of judgment pursuant to CCP § 664.6. Good cause has been shown to continue the motion to dismiss which is reset to Dept. 1A at 1:00 PM on 7/6/09.

2. **1:00 PM** Case: CV33222 [S] METTERS III v MARTIN
Type: BREACH OF WARRANTY Date Filed: 11/27/06
Event: FURTHER CASE MANAGEMENT CONFERENCE
Event: CONTINUED OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: METTERS, TAFT III ATTY: IN PRO PER
DEFNDT: MARTIN, DONALD E
DEFNDT: PACIFIC STATE BANK
DEFNDT: AMERICAN HOME PARTNERS INC
DEFNDT: CONSTRUCTION MANAGEMENT GROUP
DEFNDT: HOME PARTNERS CREDIT CORPORATION
DEFNDT: PHIL FRINK & ASSOCIATES
AKA: FRINK & ASSOCIATES, PHIL
DEFNDT: FORECLOSURELINK INC

Tentative Ruling: The matter is set for the court's motion to dismiss for failure to serve the summons within 3 years of filing under CCP § 583.250. The hearing shall be in Dept. 1A at 1:00PM on 12/14/09.

3. 1:00 PM Case: CV33837 [S] WINCH v SURETY CO OF THE
Type: OTHER NON PI, PD, WD TORT Date Filed: 06/27/07
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PLF/XD: WINCH, ROBERT R ATTY: IN PRO PER
PLF/XD: WINCH, KEVIN R ATTY: WINCH, ROBERT R ESQ
DEF/XC: SURETY COMPANY OF THE PACIFIC ATTY: GEISSLER & NIMOY, LAW OFFICES
Service Date/Type: 08/20/07 NAR Answer Date: 11/26/07
X-DEFT EVILSIZOR, JOHN ATTY: EVILSIZOR, KERI A. ESQ
Service Date/Type: 00/00/00 Answer Date: 10/03/07

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

4. 1:00 PM Case: CV34043 [S] NORTH AMERICAN v WEST COAST INDUSTRIAL
Type: COMPLEX LITIGATION-RULES OF CT Date Filed: 09/07/07
Event: TRIAL SETTING CONFERENCE

PLNTFF: NORTH AMERICAN CAPACITY INSURANCE ATTY: BOORNAZIAN JENSEN & GARTHE
INTVNR: LEXINGTON INSURANCE COMPANY ATTY: BRANSON BRINKOP GRIFFITH & ST
DEFNDT: MCANDREWS, GARY W.
Service Date/Type: 01/18/08 PER 00/00/00
DBA: DIAMOND LATH AND PLASTER
DEF/XC: DAVID DOLIN ROOFING INC ATTY: JAMPOL ZIMET SKANE & WILCOX L
Service Date/Type: 10/01/07 SUB Answer Date: 11/02/07
DF/X-D: B&G MECHANICAL INC
Service Date/Type: 11/16/07 PER 00/00/00
DF/X-D: RON ESQUIVEL CONCRETE ATTY: EMERSON COREY SORENSEN CHURCH
Service Date/Type: 09/26/07 PER Answer Date: 11/20/07
DF/X-D: UNLIMITED CONSTRUCTION AND BUILDI ATTY: IN PRO PER
Service Date/Type: 09/28/07 PER Answer Date: 06/16/08
D/XD/XC WEST COAST INDUSTRIAL FLOORING IN ATTY: BURNS, LAW OFFICE OF THOMAS J
Service Date/Type: 09/28/07 SUB Answer Date: 12/11/07

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 10 day jury trial.

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5. 1:00 PM Case: CV34243 [S] CA STATE AUTO ASSOC v SEARS ROEBUCK
Type: PI-NON MOTOR VEHICLE Date Filed: 11/26/07
Priority Info: CONSOL W/ 34309 (34243 LEAD)
Event: TRIAL SETTING CONFERENCE

Related cases NOT on this calendar: CV34309 ,
PLNTFF: HUANG, MANLEY ATTY: YOUNG.WARD ATTORNEYS
PLNTFF: HUANG, ROSA ATTY: YOUNG.WARD ATTORNEYS
DEFNDT: SEARS HOME IMPROVEMENT PRODUCTS I ATTY: VAN DE POEL LEVY & ALLEN LLP
Service Date/Type: 02/21/08 NAR Answer Date: 02/22/08
DEFNDT: NAGAZINA, BERNARD

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 4 day jury trial.

6. 1:00 PM Case: CV34248 [S] OLAVARRIETA v PEREIRA
Type: INJUNCTION Date Filed: 11/28/07
Event: TRIAL SETTING CONFERENCE

PLNTFF: PYEATT, DONNA ATTY: WILLIAMS, CHRISTOPHER D. ESQ
Service Date/Type: 03/04/08 PER 00/00/00
PLNTFF: OLAVARRIETA, ERASMO ATTY: WILLIAMS, CHRISTOPHER D. ESQ
PLNTFF: GLENN, BARBARA K. ATTY: WILLIAMS, CHRISTOPHER D. ESQ
PLNTFF: WHITE, DANIEL K. ATTY: WILLIAMS, CHRISTOPHER D. ESQ
PLF/XD: OLAVARRIETA, ROMAN ATTY: WILLIAMS, CHRISTOPHER D. ESQ
PLF/XD: OLAVARRIETA, ROSA E ATTY: WILLIAMS, CHRISTOPHER D. ESQ
PLF/XD: FONG, GARY ATTY: WILLIAMS, CHRISTOPHER D. ESQ
PLF/XD: FONG, RACHEL S ATTY: WILLIAMS, CHRISTOPHER D. ESQ
DEF/XC: PULIDO, ANTONIO ATTY: BARNES, LAW OFFICES OF WILLIA
Service Date/Type: 03/28/08 SUB Answer Date: 09/04/08
DEF/XC: PULIDO, MARIA ATTY: BARNES, LAW OFFICES OF WILLIA
Service Date/Type: 03/28/08 SUB Answer Date: 09/04/08
D/XD/XC PEREIRA JR, ALFRED ROBERT ATTY: REEVE, BOB ESQ
Service Date/Type: 00/00/00 Answer Date: 02/01/08
TRSTEE: ALFRED ROBERT PEREIRA JR 2004
X-DEFT LEE, DENNIS J
Service Date/Type: 03/29/08 PER 00/00/00

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 5 day court trial.

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7. 1:00 PM Case: CV34440 [S] FIRE INSURANCE EXCHAN v BROAN-NUTONE LLC
Type: PRODUCT LIABILITY Date Filed: 02/19/08
Event: TRIAL SETTING

PLNTFF: FIRE INSURANCE EXCHANGE ATTY: TURNER, LAW OFFICES OF KENNET
DEFNDT: BROAN-NUTONE LLC ATTY: HAIGHT BROWN & BONESTEEL
Service Date/Type: 03/07/08 PER Answer Date: 04/09/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 7 day jury trial.

8. 1:00 PM Case: CV34530 [S] SCRIBNER v SCRIBNER
Type: DAMAGES-NON TORT Date Filed: 03/20/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

Related cases NOT on this calendar: CV33763 ,
PLNTFF: SCRIBNER, DONNA ATTY: IN PRO PER
DEFNDT: SCRIBNER, JIM ATTY: AIROLA & AIROLA
Service Date/Type: 05/07/08 NAR 00/00/00

Tentative Ruling: The previous orders remain in effect. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 11/2/09.

9. 1:00 PM Case: CV34750 [S] HURST/BRYANT v CORNISH/SINCLAIR
Type: PARTITION Date Filed: 05/29/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: HURST, JERRY DALE ATTY: PUGH & VAN VORIS
PLNTFF: BRYANT, PAUL AARON ATTY: PUGH & VAN VORIS
DEFNDT: CORNISH, REBECCA R
Service Date/Type: 10/20/08 PUB 00/00/00
DEFNDT: CORNISH, REBECCA R HEIRS AND DEVI
Service Date/Type: 10/20/08 PUB 00/00/00
DEFNDT: SINCLAIR, W F
Service Date/Type: 10/20/08 PUB 00/00/00
DEFNDT: SINCLAIR, W F HEIRS AND DEVISEES
Service Date/Type: 10/20/08 PUB 00/00/00

Tentative Ruling: The referee's actions and report are pending. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 11/2/09.

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10. 1:00 PM Case: CV35331 [S] RITE OF PASSAGE... v WEINSTEIN, ETAL
Type: QUIET TITLE Date Filed: 12/22/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL
05/05/09 10:00 1 PLAINTIFF'S MOTION FOR LEAVE OF COURT
TO FILE AMENDED COMPLAINT

PLNTFF: RITE OF PASSAGE ATHLETIC TRAINING ATTY: PEMBERTON, TIMOTHY W. ESQ
DEFNDT: WEINSTEIN, SIDNEY ATTY: AIROLA & AIROLA
Service Date/Type: 00/00/00 Answer Date: 02/13/09
ASSOC: WILLIAMS, CHRISTOPHER D. ESQ
DEFNDT: NATHAN, RANDALL J. ATTY: AIROLA & AIROLA
Service Date/Type: 00/00/00 Answer Date: 02/13/09
ASSOC: WILLIAMS, CHRISTOPHER D. ESQ

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 10/5/09.

11. 1:30 PM Case: CV35005 [S] PICARD v PICARD
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/19/08
Event: FURTHER CASE MANAGEMENT CONFERENCE;
RETURN ON MEDIATION

PETNR: PICARD, KLAR KRISTAN ATTY: IN PRO PER
RESP: PICARD, JUSTIN
Service Date/Type: 09/04/08 NAR 00/00/00

Tentative Ruling: The parties failed to appear at custody mediation. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 8/3/09.

12. 2:00 PM Case: CV33440 [S] PRATT v PRATT
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/15/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW
08/30/09 0:00 9 TICKLER RE: CLETS ORDER EXPIRES 8-30-09

Related cases NOT on this calendar: CV33967 ,
PETNR: PRATT, JESSICA ATTY: IN PRO PER
RESP: PRATT, WILLIAM ATTY: HAKEEM ELLIS & MARENGO
Service Date/Type: 02/20/07 PER Answer Date: 03/19/07

Tentative Ruling: The parties agreed orally to modify visitation orders, and are hereby ordered to submit the appropriate written stipulation memorializing their agreements forthwith. The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 2:30 PM in Dept. 1A on 8/3/09.

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13. 2:00 PM Case: CV33700 [S] STACY v STACY
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/09/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: STACY, REBECCA ATTY: IN PRO PER
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: STACY, CLEO J. ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 01/20/09

Tentative Ruling: The court's notice to Petitioner was returned by the postal service as undeliverable. Petitioner must provide the court with a functioning mailing address. Petitioner and Respondent are ordered to serve and file a Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/14/09.

14. 2:00 PM Case: CV34090 [S] FELICIANO v SHUMACHER
Type: ESTABLISH PARENTAL RELATION Date Filed: 09/21/07
Priority Info: CONFIDENTIAL FILE
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: FELICIANO, MEAGAN ATTY: IN PRO PER
RESP: SHUMACHER, ROBERT

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner has failed to proceed with this action. Failure to appear at the next hearing will result in dismissal of the action. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/3/09.

15. 2:00 PM Case: CV34546 [S] PAIZS v PAIZS
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 03/28/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: PAIZS, LORI ATTY: THOMAS, LAW OFFICES OF RANDY
RESP: PAIZS, BYRON ATTY: CLAIR & BOSSI
Service Date/Type: 04/08/08 PER Answer Date: 04/23/08

Tentative Ruling: There is a temporary support order. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/14/09.

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16. 2:00 PM Case: CV35077 [S] SULLIVAN v KNOX
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 09/17/08
Priority Info: CONFIDENTIAL
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV35067 , CV35199 ,
PETNR: SULLIVAN, BRITTANY L. ATTY: IN PRO PER
RESP: KNOX, JOSEPH J. ATTY: IN PRO PER

Tentative Ruling: There are temporary custody and support orders. If those orders are satisfactory to the parties they may stipulate to enter judgment by completing forms FL-240 and FL-250 and submitting them to the court. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 8/3/09.

17. 2:30 PM Case: CV27316 [S] COUNTY OF CALAVERAS v HACHE
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 03/08/01
Event: SETTLEMENT CONF/TRIAL SETTING ON FATHER/
DEF'S MOTION ENFORCEMENT OF STIPULATED
AGREEMENT; AF&C; REPT COUNSEL FOR MINOR

Related cases NOT on this calendar: CV35673 ,
PLNTFF: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: HACHE MINOR P.D.: KEENE (P.D.), PATRICK M ESQ
CUS.PAR FLEMING-RADU, KAREN ATTY: IN PRO PER
DEFNDT: HACHE, JORGE L ATTY: FOLEY, LAW OFFICES OF KENNETH
Service Date/Type: 03/17/01 PER 00/00/00

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

18. 3:00 PM Case: CV33702 [S] KAUTZ v KAUTZ
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/10/07
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

PETNR: KAUTZ, STEPHEN ATTY: LANE DUNCAN & LAMBERTSON
RESP: KAUTZ, LORI ATTY: MCKINLEY, JOHN H. ESQ
Service Date/Type: 06/01/07 PER Answer Date: 02/01/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.